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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,557	11/29/2001	Ferial Parsa	020366-086300US	5886
20350	7590	12/22/2003	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			GAUTHIER, GERALD	
		ART UNIT	PAPER NUMBER	
		2645	4	

DATE MAILED: 12/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/998,557	PARSA, FERIAL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Gerald Gauthier	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 21 August 2003.

2a) This action is **FINAL**.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,2,4,6-15 and 17-24 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,2,4,6-15 and 17-24 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. **Claims 1, 4, 6, 13, 15, 17 and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Mirville et al. (US 5,745,553) in view of Herrero Garcia et al. (US 5,187,735).

Regarding **claim 1**, Mirville discloses on-demand communications services (column 1, lines 5-8), (which reads on claimed “a method for using a voice-messaging system to place long distance telephone calls”), comprising:

a voice-messaging system (140 on FIG. 1) receiving a toll-free call (column 5, line 65 “a toll-free number”) placed by a user (column 5, lines 61-67) [The user dials a toll-free number associated with the voice messaging system];

receiving from the user a request (column 6, line 1 “user enters \*1”) to place a long-distance telephone call (column 6, lines 1-27) [The user is invited to enter the mnemonic associated to dial a desired telephone number, which is inherently a local call or long distance call since the communication system may include toll switches].

Art Unit: 2645

Mirville fails to disclose verifying that the user is a valid user, receiving from the user a telephone number, placing a telephone call and charging the user a pre-determined long-distance rate.

Herrero Garcia teaches verifying that the user is a valid user of the voice-messaging system (column 13, lines 55-66) [The VCS requests the caller to dial in a confidential password];

receiving from the user a telephone number (column 18, line 66 "the area code and the telephone number") of a third-party telephone line to be called (column 18, lines 38-68) [The VCS receive the appropriate destination numbers];

placing a telephone call (column 19, line 1 "dial the appropriate long distance telephone number") to the third-party telephone line associated with the third-party telephone number entered by the user (column 19, lines 1-4) [The VCS dials the appropriate long distance telephone number and the PBX routes the call to the long distance destination]; and

charging the user a pre-determined long-distance rate (column 19, line 10 "the price of the call") in relation to the telephone call (column 19, lines 5-19) [The VCS pass to the computer system the price of the call].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the voice conversion system of Herrero Garcia in the messaging system of Mirville.

Art Unit: 2645

The modification of the invention would offer the capability of the voice conversion system such as the system would offer an integrated voice-mail for economically providing advanced telephone call handling.

Regarding **claims 4 and 15**, Herrero Garcia teaches, receiving and verifying a user-identification code and a password code (column 13, lines 55-66).

Regarding **claims 6 and 17**, Herrero Garcia teaches, wherein the user-identification code is associated with a billing account, and wherein the charges for the long-distance call are charged to the billing account (column 19, lines 5-19).

Regarding **claim 13**, Mirville discloses on-demand communications services (column 1, lines 5-8), (which reads on claimed "an article of manufacture, comprising a computer-readable medium having a computer-readable program-code means (column 4, lines 16-32) embodied therein for causing a voice-messaging system (140 on FIG. 1) to place long-distance telephone calls"), the computer-readable program-code means in said article of manufacture comprising:

computer-readable program means for causing a computer to receive a toll-free call placed by a user (column 5, lines 61-67) [The user dials a toll-free number associated with the voice messaging system];

computer-readable program means for causing a computer to receive from the user a request to place a long-distance telephone call (column 6, lines 1-27) [The user

is invited to enter the mnemonic associated to dial a desired telephone number, which is inherently a local call or long distance call since the communication system may include tool switches].

Mirville fails to disclose verifying that the user is a valid user, receiving from the user a telephone number, placing a telephone call and charging the user a pre-determined long-distance rate.

Herrero Garcia teaches computer-readable program means for causing a computer to verify that the user is a valid user of the voice-messaging system (column 13, lines 55-66) [The VCS requests the caller to dial in a confidential password];

computer-readable program means for causing a computer to receive from the user a telephone number of a third-party telephone line to be called (column 18, lines 38-68) [The VCS receive the appropriate destination numbers];

computer-readable program means for causing a computer to place a telephone call (column 4, line 49 "dial tone") to the third-party telephone line associated with the third-party telephone number entered by the user (column 19, lines 1-4) [The VCS dials the appropriate long distance telephone number and the PBX routes the call to the long distance destination]; and

computer-readable program means for causing a computer to charge the user a pre-determined long-distance rate in relation to the telephone call (column 19, lines 5-19) [The VCS pass to the computer system the price of the call].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the voice conversion system of Herrero Garcia in the messaging system of Mirville.

The modification of the invention would offer the capability of the voice conversion system such as the system would offer an integrated voice-mail for economically providing advanced telephone call handling.

Regarding **claim 24**, Mirville discloses on-demand communications services (column 1, lines 5-8), (which reads on claimed "a method of using a voice-messaging system to place a telephone call"), comprising:

providing the user a toll-free number by which to access the voice messaging system (column 5, lines 61-67) [The user dials a toll-free number associated with the voice messaging system];

receiving a call from the user via a toll-free number (column 5, lines 61-67) [The user dials a toll-free number associated with the voice messaging system];

receiving a request from the user to place a telephone call (column 6, lines 1-27) [The user is invited to enter the mnemonic associated to dial a desired telephone number].

Mirville fails to disclose verifying that the user is a valid user, receiving from the user a telephone number, placing a telephone call and charging the user a pre-determined long-distance rate.

Herrero Garcia teaches establishing a user account for a user, wherein the user account has associated with it pre-determined rates for placing telephone calls using the voice-messaging system (column 13, lines 55-66) [The VCS requests the caller to dial in a confidential password inherently setup an account for the user];

issuing the user a user identification code and a password code associated with the user account (column 13, lines 55-66) [The VCS requests the caller to dial in a confidential password inherently issue a password to the user];

verifying that the user is a valid user by receiving and verifying the user identification code and password code associated with the user account (column 13, lines 55-66) [The VCS requests the caller to dial in a confidential password];

receiving from the user the telephone number to call (column 18, lines 38-68) [The VCS receive the appropriate destination numbers];

placing the call to the telephone number (column 19, lines 1-4) [The VCS dials the appropriate long distance telephone number and the PBX routes the call to the long distance destination]; and

charging the user the pre-determined rates if the call is connected column 19, lines 5-19) [The VCS pass to the computer system the price of the call].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the voice conversion system of Herrero Garcia in the messaging system of Mirville.

The modification of the invention would offer the capability of the voice conversion system such as the system would offer an integrated voice-mail for economically providing advanced telephone call handling.

3. **Claims 2, 7-9, 11-12, 14, 18-20 and 22-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Mirville, in view of Herrero Garcia and in further view of Stabler (US 5,937,047).

Regarding **claims 2 and 14**, Mirville and Herrero Garcia fail to disclose connecting the telephone call.

However, Stabler teaches the step of connecting the telephone call to the third - party telephone line if the third-party telephone line is available (column 6, lines 40-50).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use connecting the telephone call of Stabler in the messaging system of Mirville and Herrero Garcia.

The modification of the invention would offer the capability of connecting the telephone call such as the system would offer an integrated voice-mail for economically providing advanced telephone call handling.

Regarding **claims 7 and 18**, Stabler teaches, wherein the voice-messaging system allows the user to choose between accessing voice messages or placing a telephone call (column 4, lines 52-65).

Regarding **claims 8 and 19**, Stabler teaches, wherein the voice-messaging system directs the user back to a voice-messaging-system menu if a third-party-call connection is not established (column 4, lines 52-65).

Regarding **claims 9 and 20**, Stabler teaches, wherein the voice-messaging system directs the user back to a voice-messaging-system menu when the user enters a pre-defined signal at any step during the process of placing a call to a third party (column 4, lines 52-65).

Regarding **claims 11 and 22**, Stabler teaches, wherein the step of connecting the telephone call to the third-party number comprises:

establishing a direct connection between the user and the third-party telephone line (column 4, lines 31-40); and  
disconnecting the voice-messaging system from the call (column 4, lines 40-51).

Regarding **claims 12 and 23**, Stabler teaches during or after the call between the user and the third party, receiving a predefined signal from the user (column 4, lines 52-65); and

transferring the user back to a voice-messaging-system menu (column 4, lines 52-65).

4. **Claims 10 and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Mirville in view Herrero Garcia and in further view of Jackson et al. (US 6,160,883).

Regarding **claims 10 and 21**, Stabler as applied to **claims 2 and 14** above differs from **claims 10 and 21**, in that it fails to disclose establishing a 3-way call.

However, Jackson teaches, establishing a 3-way call between the user, the voice-messaging system and the third-party telephone line (column 6, lines 58-65).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use establishing a 3-way call of Jackson in the invention of Stabler.

The modification of the invention would offer the capability of establishing a 3-way call such as the system would enable efficient and stable telecommunications.

#### ***Response to Arguments***

5. Applicant's arguments with respect to **claims 1-2, 4, 6-15 and 17-24** have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4800.

  
g.g.  
December 14, 2003

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

